

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB276

Hearing Date: Tuesday January 24, 2017
Committee On: Agriculture
Introducer: Albrecht
One Liner: Change provisions relating to hybrid seed corn and provide enforcement powers and judicial remedies

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Albrecht, Blood, Brasch, Chambers, Halloran, Lowe
Nay:
Absent: 2 Senators Harr, Krist
Present Not Voting:

Verbal Testimony:

Proponents:

Senator Joni Albrecht
Mat Habrock
Tom Hoegemeyer
Scott Merritt
Erik Hoegemeyer

Representing:

Introducer
Nebraska Department of Agriculture
Self
Nebraska Agri-Business
Nebraska Seed Trade Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 276 amends sections 81-2,155 and 81-2,156 to redefine hybrid corn seed for purposes of a prohibition against selling or representing corn seed as a hybrid variety that does meet the identity standard set forth in these sections.

Specifically, LB 276 makes the following revisions:

-- Section 1 amends section 81-2,155 which defines hybrid seed corn as seed of the first generation of crosses of 2, 3, or 4 inbred lines, restricted to seed of single, three-way and double crosses and further the latter terms. LB 276 retains that seed represented as hybrid seed be a first generation of crosses involving up to 4 inbred lines, but strikes the portion of the identity standard that restricts that the seed be the product of single, three-way or double crosses.

-- Section 2 amends section 81-2,156 which sets forth isolation standards for performing the crosses of inbred lines for purposes of assuring the exchange of genetic information is limited to the intended exchange between parent plants. This section currently specifies that the cross fertilization be controlled by hand or by detasseling under isolation. LB 276 revises the standard to clarify that crosses be performed under conditions of isolation by time and distance and controlled by hand, detasseling or by utilization of male sterility methods.

LB 276 further revises enforcement authorities set forth in section 81-2,157. This section currently provides that violations of the prohibition regarding selling of seed misrepresented as hybrid corn seed is a class III misdemeanor and directs the Department of Agriculture to report violations to the Attorney General or appropriate county attorney for prosecution. Section 3 of LB 276 rewrites this section as follows:

- Declares that a person violating sections 81-2,155 through 81-2,156 is guilty of a Class III misdemeanor.
 - In addition to criminal sanction, authorizes equitable remedies of restraining order or injunction against persons violating or threatening to violate sections 81-2,155 through 81-2,156 and provides that jurisdiction for granting such relief resides in the district court of the county where such violating activity occurs or is about to occur. Such restraining order or injunction is available regardless of other remedies available and shall be granted without bond.
 - Assigns jurisdiction to the Attorney General or appropriate county attorney (county attorney of county where violations are occurring or about to occur) to pursue appropriate equitable (subsection 2) or criminal (subsection 1) remedies when notified of violations or threatened violations of sections 81-2,155 through 81-2,156 or by the Director of Agriculture.
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Explanation of amendments:

The committee amendment (AM 50) strikes reference to prospective actions as grounds for criminal or equitable relief to avoid creation of a new offense of threatening to violate sections 81-2,155 through 81-2,156.

Lydia Brasch, Chairperson